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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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BY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

21-CV-01613JLR

CASE NO. _____
[to be filled in by Clerk's Office]

COMPLAINT FOR A CIVIL CASE
ALLEGING THAT THE
DEFENDANT OWES THE
PLAINTIFF A SUM OF MONEY
(28 U.S.C. § 1332; Diversity of
Citizenship)

Jury Trial: ☒ Yes ☐ No

Armand CalhounRobert Flores,T. & Q. Calhoun (minors)

Plaintiff(s),

v.

BANK OF AMERICA-NA

Defendant(s).

I. THE PARTIES TO THIS COMPLAINT

A. Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Armand Calhoun</u>
Street Address	<u>40 511 M. St. NE #109</u>
City and County	<u>Duburn, King County</u>
State and Zip Code	<u>Washington 98002</u>
Telephone Number	<u>206. 637. 9426</u>

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B. Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name

BANK OF AMERICA

Job or Title (if known)

FINANCIAL INSTITUTION

Street Address

230 BROADWAY AVE.

City and County

Seattle King County

State and Zip Code

Washington

Telephone Number

206.494.0577

Defendant No. 2

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

Defendant No. 3

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

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Defendant No. 4

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

II. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

*U.S. Const. Article 4 - Full Faith & Credit.**Bill of Rights, Art. 14.*

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B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual.

The plaintiff (name) Armand Calhoun, is a citizen of the
State of (name) Washington.

b. If the plaintiff is a corporation.

The plaintiff, (name) _____, is incorporated under
the laws of the State of (name) _____, is incorporated under
the laws of the State of (name) _____, and has its principal
place of business in the State of (name) _____.

*(If more than one plaintiff is named in the complaint, attach an additional page providing
the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual.

The defendant, (name) _____, is a citizen of the
State of (name) _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation.

The defendant, (name) BANK OF AMERICA, is incorporated under
the laws of the State of (name) Washington, and has its principal
place of business in the State of (name) MASS..

Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

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(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

III. THE AMOUNT IN CONTROVERSY

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because (explain):

Damages, total-loss, and discrimination
regarding a financial transaction, third party
liability; Acceptance precludes rejection

IV. STATEMENT OF CLAIM

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Defendant received settlement instructions and
chargeback check #101, in which the Def. refuses to
credit or pay when due or keep a record of the
transaction.

The defendant, (name) BANK OF AMERICA, owes the plaintiff (specify the amount) \$ 630,000.00 because (use one or more of the following, as appropriate):

A. On a Promissory Note

On (date) _____, the defendant signed and delivered a note promising to pay the plaintiff on (date) _____ the sum of (specify the amount) \$ _____ with interest at the rate of (specify the amount) _____ percent. The defendant has not paid the amount due and owes (state the amount of unpaid principal and interest) \$ _____.

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1 A copy of the note is attached as an exhibit or is summarized below. (*Attach the note or*
2 *summarize what the document says.*)

3 _____
4 _____
5 _____

6 B. On an Account Between the Parties

7 The defendant owes the plaintiff (*specify the amount*) \$ 630,018.00. This debt
8 arises from an account between the parties, based on (*state the basis, such as an agreement*
9 *between a credit-card company and a credit-card holder*)

10 a stipulated agreement and settlement
11 dated Oct. 28th 2021, including third party
12 negligence.

13 The plaintiff sent the defendant a statement of the account listing the transactions over a
14 certain period and showing the bills sent, the payments received or credits approved, and the
15 balance due. The defendant owes (*specify the amount*) \$ _____. Copies of the bills
16 or account statements are attached as exhibits or summarized below. (*Attach the statements or*
17 *summarize what they say.*)

18 check #101, "chargeback" deposited on 10/28/2021;
19 stipulated agreement; Counter credit deposit
20 (accepted but failed to credit).

21 C. For Goods Sold and Delivered

22 The defendant owes the plaintiff (*specify the amount*) \$ _____, for goods
23 sold and delivered by the plaintiff to the defendant from (*date*) _____ to (*date*)
24 _____.

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1 D. For Money Loaned

2 The defendant owes the plaintiff (*specify the amount*) \$ _____, for money
 3 the plaintiff loaned the defendant on (*date*) _____.

4 E. For Money Paid by Mistake

5 The defendant owes the plaintiff (*specify the amount*) \$ _____ for money
 6 paid by mistake to the defendant on (*date*) _____, when the defendant received the
 7 payment from (*specify who paid and describe the circumstances of the payment*)

8 _____
 9 _____
 10 _____

11 F. For Money Had and Received

12 The defendant was paid money (*specify the amount*) \$ _____ on (*date*)
 13 _____ by (*identify who paid and describe the circumstances of the payment*)

14 _____
 15 _____
 16 _____

17 It is unjust for the defendant not to pay the plaintiff the money received because (*explain*
 18 *the reason, such as that the money was intended to be paid to the plaintiff, or was paid by*
 19 *coercion, duress, or fraud, or was an overpayment or a deposit to be returned*):

20 the defendant failed to provide reasonable care
 21 with Plaintiff's documents, deliberately shredding the
 22 information without consent, and failing to chargeback
 23 the deposit and credit the account in a reasonable
 24 timeframe; accepting precludes objection.

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V. RELIEF

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

*Plaintiff's are entitled to relief based on
contractual relations including dupe damages
for lost, stolen, or destroyed instruments due to def.
negligence.*

VI. CERTIFICATION AND CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

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1 Date of signing: 12.1.2021

2 Signature of Plaintiff

3 Printed Name of Plaintiff Armand Calhoun

4
5 Date of signing:

6 Signature of Plaintiff

7 Printed Name of Plaintiff

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9 Date of signing:

10 Signature of Plaintiff

11 Printed Name of Plaintiff

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